

Attorney Docket No. 5649-1207

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Horii et al.

Application No.: 10/780,246

Filed: February 17, 2004

For: PHASE CHANGEABLE MEMORY DEVICE STRUCTURES AND RELATED METHODS

Confirmation No.: 9653

Group Art Unit No.: 2818

Date: September 30, 2005

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of February 17, 2004 rather than February 18, 2004 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of February 17, 2004 being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt marked by the United States Postal Service ("USPS") as a "date-in" or deposit date with the USPS of 12:00 p.m. on February 17, 2004; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of February 18, 2004 instead of the Express Mail date of February 17, 2004.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of February 17, 2004 as the filing date pursuant to 37 CFR § 1.10.

In re: Horii et al.  
Application No.: 10/780,246  
Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

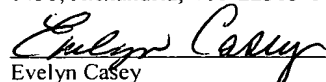


Scott C. Hatfield  
Attorney For Applicant  
Registration No. 38,176

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 30, 2005.



Evelyn Casey

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



ATTY DOCKET NO.: 5649-1207

DATE: February 17, 2004

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application  
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is incorporated herein by reference in its entirety.  
☐ and claims the benefit of Provisional Application No. \_\_\_\_\_; filed \_\_\_\_\_.

Inventor(s) or Application Identifier: Hideki Horii, Suk-ho Joo and Ji-Hye Yi

Entitled: PHASE CHANGEABLE MEMORY DEVICE STRUCTURES AND RELATED METHODS

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
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Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 27 pages of Specification (including 38 claims)
3. ☒ 7 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
  - a. ☒ newly executed (*original or copy*)
  - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*)) [Note Box 6 Below]
  - c. ☐ **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under

Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☒ Information Disclosure Statement, PTO-1449, with 2 references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No. ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
  - a. ☐ computer readable copy
  - b. ☐ paper copy
  - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Deletion of Inventor(s) (*Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).*)
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☐ Other:

The fee has been calculated as shown below:

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| BASIC FEE   |                       |                       | \$385.00                 | \$ 770.00                |
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| <input type="checkbox"/> MULTIPLE Dependent Claims Presented              |                       |                       | + 145 = \$               | + 290 = \$               |
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- ☐ A check in the amount of \$ to cover the filing fee is enclosed.
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- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$
- ☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☐ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
  - b. ☐ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

Scott C. Hatfield

Registration No. 38,176

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 353594159 US

Date of Deposit: February 17, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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MYERS SIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH NC 27627-7428

SCH 5649-1207

**TO: (PLEASE PRINT)**

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MS Patent Appl.

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SCH Date: 2-17-04  
03-01-04 A09 Doc. No. 5649-1207  
Serial No.  
Inventor: HORII

Sir: Kindly acknowledge receipt of the accompanying items listed below

by placing your receiving stamp hereon and return mailing:

Application Transmittal and:

Specification pages 27

No. of Claims 38

Declaration & POA

Assignment and Fee

Small Entity Statement

Formal Drawings/ 7 sheets

Associate Power of Attorney

Exp. Mail 1st Class Mail

Other:

Check \$ 1220.00

IDS & PTO-1449 & 1 refs. enclosed

Amendment & Amend. Transmittal

Preliminary Amendment

Issue Fee

Brief

Appeal

Submittal of Priority Doc.

17548 U.S. PTO

10/780246

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant



021804

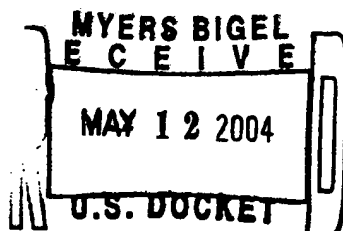


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|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 10/780,246 | 02/18/2004                | 2818     | 1180          | 5649-1207       | 7        | 38       | 4        |

20792  
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CONFIRMATION NO. 9653

FILING RECEIPT



\*OC000000012574520\*

Date Mailed: 05/10/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Hideki Horii, Seoul, KOREA, REPUBLIC OF;  
 Suk-ho Joo, Seoul, KOREA, REPUBLIC OF;  
 Ji-Hye Yi, Gyeonggi-do, KOREA, REPUBLIC OF;

**Domestic Priority data as claimed by applicant****Foreign Applications**

REPUBLIC OF KOREA 2003-17694 03/21/2003

If Required, Foreign Filing License Granted: 05/07/2004

Projected Publication Date: 09/23/2004

Non-Publication Request: No

Early Publication Request: No

05-12-04 A09:14 IN

**Title**

Phase changeable memory device structures and related methods

**Preliminary Class**

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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